

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Abdelouahab Adel, Petitioner, v. **Allison Cartwright**, in her official capacity as County Clerk, et al., Respondents.

Case No. 1:23-mj-05480

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

(And Notice of Status and Fee Schedule)

I. INTRODUCTION

NOW COMES Petitioner **Abdelouahab Adel**, a private living man and beneficiary of the Cestui Que Vie Trust recognized as "ABDELOUAHAB ADEL", proceeding *sui juris*, and hereby petitions this Honorable Court for a **Writ of Habeas Corpus** pursuant to **28 U.S.C. § 2241**, as Petitioner is **being held in custody in violation of the Constitution and laws of the United States**, and further states as follows:

II. JURISDICTION AND VENUE

- 1 This Court has jurisdiction under **28 U.S.C. §§ 2241(c)(3), 1331, and 1651(a)**, as Petitioner is in custody under color of state law, and is deprived of liberty in violation of the **Fourth, Fifth, Sixth, and Fourteenth Amendments** to the U.S. Constitution.
- 2 Venue lies in the District of Massachusetts pursuant to **28 U.S.C. § 2241(d)** as Petitioner is detained within this district and Respondents exercise legal authority here.

III. PARTIES

- **Petitioner:** Abdelouahab Adel, currently held or supervised by officers or agencies under the jurisdiction of the Commonwealth of Massachusetts.
- **Respondents:**
 - Allison Cartwright, County Clerk;
 - Governor Maura Healey, Executive of the Commonwealth;
 - District Attorney Kevin R. Hayden;
 - Judge Judith G. Dein;
 - Attorney General Andrea Campbell;

- Mayor Michelle Wu.

IV. NOTICE OF STATUS

- 1 Petitioner is a private living man, not a corporate fiction, not a U.S. citizen, and not subject to commercial codes without voluntary, knowing, and intentional consent.
- 2 Petitioner is the **beneficiary** of the Cestui Que Vie Trust created in the name "ABDELOUAHAB ADEL," and asserts full equitable title over said trust estate.
- 3 All agents acting under color of law are hereby given notice of Petitioner's **non-consent** to any contracts, codes, or administrative proceedings not grounded in Article III judicial power and common law.

V. NOTICE OF FEE SCHEDULE

Petitioner hereby records the following **Fee Schedule** for any unlawful, unauthorized, or injurious acts committed against his person, property, or trust estate by any public officer, agent, or third party:

Action	Fee
Unlawful detention or arrest per day	\$100,000
Failure to provide Habeas Corpus hearing within 72 hours	\$250,000
Each attempted administrative offer, demand, or coercion under color of law	\$50,000
Violation of right to trial by jury at common law	\$500,000
Each day of incarceration without lawful due process	\$100,000
Unlawful medical treatment or forced injection	\$1,000,000
Any trespass upon the trust estate by corporate agents or officers	\$250,000

This Fee Schedule is lawfully attached as a condition of equity, and any violation shall create a **lawful lien** against the individual and their bond, office, or insurance in their private and official capacities.

VI. STATEMENT OF FACTS

- 1 Petitioner is currently under restraint or threat of incarceration in connection with case **1:23-mj-05480** in the District of Massachusetts.
- 2 Petitioner was arrested, detained, and/or supervised:
 - Without a valid warrant supported by probable cause;
 - Without timely presentment before a neutral magistrate as required under *Gerstein v. Pugh*, 420 U.S. 103 (1975);
 - Without a sworn affidavit of injury, breach of peace, or corpus delicti;
 - In violation of due process under the Fifth and Fourteenth Amendments.
- 3 No injured party or criminal act has been identified, and jurisdiction was challenged but never proven on the record.

- 4 Petitioner demanded a **trial by jury at common law** under Article III, Section 2 of the U.S. Constitution, but this right was denied or ignored.
- 5 Petitioner is being prosecuted under administrative or commercial codes without voluntary consent or contractual obligation.

VII. GROUNDS FOR RELIEF

Ground One: Unlawful Detention Without Probable Cause Petitioner was seized without a valid warrant supported by a sworn affidavit of probable cause, violating the Fourth Amendment. *See: Gerstein v. Pugh*, 420 U.S. 103 (1975).

Ground Two: Denial of Due Process Petitioner was not promptly brought before a judicial officer nor given meaningful notice and an opportunity to be heard. *See: County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

Ground Three: Lack of Jurisdiction Over the Living Man The court and officers have proceeded in a corporate/admiralty capacity without establishing jurisdiction over Petitioner as the living man. *See: Hagans v. Lavine*, 415 U.S. 528 (1974).

Ground Four: Violation of Right to Trial by Jury at Common Law Petitioner has not waived his right to trial by jury under Article III and the Seventh Amendment. *See: Thompson v. Utah*, 170 U.S. 343 (1898).

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1 Issue a Writ of Habeas Corpus commanding Respondents to immediately release Petitioner or show cause for continued detention;
- 2 Declare the proceedings in case **1:23-mj-05480** null and void for lack of jurisdiction and due process;
- 3 Enjoin any further detention or prosecution without full compliance with constitutional requirements;
- 4 Recognize and enforce the attached Fee Schedule;
- 5 Grant such other and further relief as the Court deems just and proper.

IX. VERIFICATION

I, **Abdelouahab Adel**, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 21 day of MAY, 2025.

Respectfully submitted,

ADEL Abdelouahab Adel Petitioner, *sui juris*

STATUTES, CODES, RULES & REGULATIONS: STATUTES ARE NOT LAWS

With such overwhelming case law, there is no question about the fact of the claim made here that statutes are not law. Plaintiff/the court now challenges prosecution and Magistrate to prove the statutes apply to plaintiff/court. Plaintiff denies being a government employee. If the prosecution or state or Magistrates wish to say differently, then prove I have been a paid employee of the federal or state Government. As well, Article 1, Section 8, Clause 14 says clearly the government makes the rules for the government, not the people. *Cruden v. Neale*, 2 N.C. 338 (1796) 2 S.E.J. Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." *Tot v. United States*, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed.2d 1519 (1943). "Statutes apply only to state-created creatures known as corporations, no matter whether [creatures of statute and offices of state, local, or federal government]." (*Colonial Pipeline Co. v. Traigle*, 421 US 100, 1975). "A statute will not be presumed to have extraterritorial effect... outside the [territorial] jurisdiction of the legislature... over persons residing outside the (territorial) jurisdiction of the legislature." (*Bond v. Jay*, 7 Cranch 350, 3 Ed 367). "A 'Statute' is not a Law," (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248), "A 'Code' or 'Statute' is not a Law," (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248), "A Code' is not a Law," (*In Re Self v. Rhay*, Wn 2d 261), in point of fact in Law. A concurrent or resolution' legislature is not "Law," (*Koenig v. Flynn*, 258 N.Y. 292, 179 N.E. 705, 707; *Ward v. State*, 176 Okl. 368, 56 P.2d 136, 137; *State ex rel. Todd v. Yelle*, 7 Wash.2d 443, 110 P.2d 162, 165). Lacking due process (of law), in that they are 'void for ambiguity' in their failure to specify the statutes' applicability. "Insofar as a statute runs counter to the fundamental law of the land, (constitution) it is superseded thereby." (16 Am Jur 2d 177, Late Am Jur 2d 256) "All laws which are repugnant to the Constitution are null and void" (*Marbury v. Madison*, 5 US 1803 (2 Cranch) 137, 174, 170). "There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." *Sherar v. Cullen*, 481 F. 945. To disregard Constitutional law, and to violate the same, creates a sure liability upon the one involved: "State officers may be held personally liable for damages based upon actions taken in their official capacities." *Hafer v. Melo*, 502 U.S. 21 (1991). If the U.S. Supreme Court acknowledged the authority of the common law Grand Jury (*U.S. v. Williams*), why would the state have authority to counter that opinion? The "common law is superior to all statutory law, and only invokes it in the right way to have superiority." We need to stop putting the common law and the Grand Juries underneath their inferior statutory laws. The people (singular AND plural) have the ultimate authority! *American Jurisprudence 2nd 1964 vol. 16 CONSTITUTIONAL LAW § 177* Generally statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation. No one is bound to obey an unconstitutional law and no courts are bound to enforce it. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his peril and must take the consequences. Pg. 403-405 16Am Jur 2d., Const. Law Sec. 70: Words and phrases in statutes must be construed according to the rules of grammar and their common and approved usage... *Velquez v. East Stroudsburg*, 949 A2d 354, 358-359 (PA Cmwith. 2007). The separate source of substantive law must constitute a "money-mandating constitutional provision, statute or regulation that has been violated or an express or implied contract with the United States." *Loveladies Harbor, Inc. v. United States*, 27 F.3d 1545, 1554 (Fed. Cir. 1994). For a claim against the United States founded on a regulation to be successful, the provisions relied upon must contain language which could fairly be interpreted as mandating recovery of compensation from the government." *Cummings v. United States*, 17 Cl. Ct. 475, 479 (1989), aff'd, 904 F.2d 45 (Fed. Cir. 1990); see also *United States v. Testan*, 424 U.S. 392, 398 (1976). "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law." *Marbury v. Madison*, 5 US 137: The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid, one must prevail. This is succinctly stated as follows: The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it. "If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute." (A. Hamilton, Federalist Papers #78, See also *Warning v. The Mayor of Savannah*, 60 Georgia, P.93; *First Trust Co. v. Smith*, 277 SW 762; *Marbury v. Madison*, 2 L Ed 60; and 2d Constitutional Law section 177-178). "A 'Statute' is not a Law," (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248), "A 'Code' is not a Law," (*In Re Self v. Rhay*, Wn 2d 261). In point of fact in Law. A concurrent or 'joint resolution of legislature is not "Law," (*Koenig v. Flynn*, 258 N.Y. 292, 179 N.E. 705, 707; *Ward v. State*, 176 Okl. 368, 56 P.2d 136, 137; *State ex rel. Todd v. Yelle*, 7 Wash.2d 443, 110 P.2d 162, 165). "All codes, rules, and regulations are unconstitutional and lacking due process of Law." (*Rodriques v. Ray Donovan*, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985)); lacking due process of law, in that they are 'void for ambiguity' in their failure to specify the statutes' applicability to 'natural persons, otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to "artificial or fictional corporate entities or 'persons', creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the 'Natural Person' or American citizen immune from such jurisdiction of legalism, rules and regulations are applicable to the authorities only, not human/Creators in accordance with God's laws. All codes, rules and regulations are unconstitutional and lacking in due process..." *Rodriques v. Ray Donovan* (U.S. Department of Labor), 769 F.2d 1344, 1348 (1985). U.S. Const., Art. VI, cl. 2; *Maryland v. Louisiana*, 451 US 725; 746; 101 S Ct 2114; 68 L Ed

2d 576 (1981) reveals that, "Where a state statute conflicts with, or frustrates, federal law, the former must give way." "It (the legislature or statutory laws) may not violate constitutional prohibitions or guarantees OR AUTHORIZE OTHERS TO DO SO." *Lockard v. Los Angeles* 33 Cal2d 553; Cert den 337 US 939. Constitutionally, a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." *Tot v United States*, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed.2d 1519 (1943). U.S. Const, Art. VI, cl. 2: *Maryland v Louisiana*, 451 US 725, 746; 101 S Ct 2114; 68 L Ed 2d 576 (1981) reveals that, "Where a state statute conflicts with, or frustrates, federal law, the former must give way." "It (the legislature or statutory laws) may not violate Constitutional prohibitions or guarantees OR AUTHORIZE OTHERS TO DO SO." *Lockard v. Los Angeles* 33 Cal2d 553; Cert den 337 US 939. *Weimer v Bunbury*, 30 Mich 291; 1874 Mich. LEXIS 168 (1874) reveals that "The Bill of Rights in the American Constitution has not been drafted for the introduction of new law, but to secure old (already existing) principles against abrogation or violation. "Every man is independent of all laws, except those prescribed by nature. He is not bound by any laws formed by his fellow man without his consent. *Mugler v. Kansas*, 123 U.S. 623, 659-60